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Letter dated 17 January 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 19 October 2004 (S/2004/836). The Counter-Terrorism Committee has received the attached fourth report from Sweden submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 17 January 2005 from the Permanent Mission of Sweden to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of Sweden to the United Nations presents its compliments to the Counter-Terrorism Committee and with reference to the latter's note dated 18 October 2004, has the honour to enclose the fourth report on the implementation of Security Council resolution 1373 (2001) (see enclosure).

Enclosure

Fourth report on implementation of counter-terrorism measures in Sweden

With reference to the enquiry dated 18 October, please find below further information regarding the issues raised in your letter.

1 Effectiveness of Counter-Terrorism Machinery

1.1

As a member of the European Union, Sweden has taken active part in elaborating anti-terrorist policies at the European level. The measures underway and foreseen are all listed in the EU Action Plan on combating terrorism and form the framework also for the work at national level. In addition the following measures deserve to be mentioned:

Criminal investigation and prosecution
Sweden has implemented the European Union Framework Decision of 13 June 2002 on Combating Terrorism. This means that the Swedish law since 1 July 2003 includes a specific terrorist crime and that anyone who is found guilty of an act corresponding to any of the acts described in the Framework Decision will be sentenced for having committed a terrorist crime.

To fulfil the obligations of the European Framework Decision on a European Arrest Warrant, the Act on Surrender from Sweden According to a European Arrest Warrant entered into force on 1 January 2004.

The Prosecutor General has decided to give two prosecutors at the International Prosecution Office in Stockholm nation-wide competence to investigate and prosecute crimes related to terrorism. They do not have exclusive competence but most investigations relating to terrorism are in practice handled by these two prosecutors.

Links between terrorism and other criminal activities
In its combined capacity as a law enforcement and domestic security service the Swedish Security Service (SÄPO) is responsible for, among other things, the prevention and the detection of terrorist crimes. In its work the Security Service is observant of other criminal activities of suspected terrorists or facilitators and in this respect interacts with the National Criminal Investigation Department, the other operational

branch of the Swedish National Police Board, as well as with other parts of the police on the regional or local level.

Physical protection of potential terrorist targets
The dignitary protection in Sweden is carried out by the Security Service, and includes in the first instance the protection of the Royal family, the Prime Minister and other cabinet members and prominent public figures, as well as representatives of foreign missions in the country. According to a recent government decision, the resources of the Dignitary Protection Division of the Security Service will be substantially increased. New instructions for a broader dignitary protection perspective are also foreseen.

Strategic analysis and forecasting of emerging threats
Within the Security Service there is a Strategic Analysis Unit, which produces strategic analysis evaluations on current or emerging threats affecting the national security, including terrorism. The reports also constitute a basis for long-term planning and are communicated to other relevant governmental bodies.

1.2

Taking into account that counter-terrorism work in general is laborious, no difficulties of an extraordinary character have been encountered when conducting these tasks.

1.3

In essence, the same provisions apply to criminal proceedings in the counter-terrorism field as to ordinary criminal proceedings. There are, however, special provisions applicable to non-Swedish citizens, who under specific conditions may be expelled in case of feared intentions to commit a terrorist crime, or to facilitate such a crime. In this context a suspect foreigner may be subjected to coercive measures, including the interception of telecommunications or postal items.

Swedish courts apply the principle of free evaluation of evidence, and theoretically all intelligence can be brought before court.

Between the relevant authorities involved in the prevention and detection of terrorism financing activities there is a continuous flow of information in order to enhance the knowledge about phenomena and developments in this field. (Please also refer to item 1.4.2)

1.4.1.

Undercover operations
Law enforcement undercover operations are allowed, but when conducted have to be in conformity with some general principles. In this respect it is not permitted to commit a crime for crime investigation or detection purposes, or to provoke somebody to commit a crime.

The tracking of funds of criminal gangs
There are no special investigatory techniques when it comes to the tracking of organised criminality funds. Ordinary provisions will apply.

The interception of communications on the Internet and other modes of communication
Interception of telecommunications requires that there is a preliminary investigation of a specific serious nature, as well as a special decision by court on application by the prosecutor. In cases of suspected crimes against the national security, including terrorism, there are, however, some alleviations as to the prerequisites.

Breaking the chains linking terrorist groups
In general, approaches based on ordinary provisions and practice will have to be applied to disrupt concurrencies in this field.

1.4.2.

There is a specific informal network for the exchange of information and experiences between various governmental bodies. On the ministerial level it includes the Ministry of Justice, the Ministry for Foreign Affairs and the Ministry of Finance. The governmental agency level is represented by the Security Service, the Financial Investigation Unit (an entity within the National Criminal Investigation Department), the Financial Supervision Authority, the Military Intelligence and Security Service, the National Defence Radio Institute and Customs.

A number of Swedish government agencies co-operate in the area of anti-money laundering. Participants in this work are from the Financial Investigation Unit, The Financial Surveillance Authority, the Prosecutor-General, the Customs, the Swedish Tax Agency and the Swedish National Economic Crimes Bureau. Within the framework of the co-operation, the attempt is made to draw up a common picture and a common approach regarding actions needed to counteract money laundering. This work has so far focused on so called paying agents. These are often referred to as alternative paying agents, as their

activities are carried out outside the banking sector. The work of the co-operation group aims at drafting a report describing the problem and presenting legal assessments and proposals for measures, possibly including amendments to the law. Analyses show that legislation in this area is very complex at a closer look, and with regard to penal law, in particular, the legal situation is hard to assess.

1.5.

Sweden has no general witness protection programme, but the issue is under consideration. Still, there are possibilities for persons running the risk of being exposed to serious criminality affecting his/her personal security to have new identity particulars. An application for this is handled by the National Police Board, which submits the application to the Stockholm District Court for a decision.

II Effectiveness of customs, immigration and border control

General
Swedish Customs has developed and designed a supply chain security program (StairSec®) that includes all stakeholders in a supply chain from start-to-end perspective. StairSec® balances the needs of the business community for smooth and swift transport while simultaneously providing improved controls through partnership with Swedish Customs. (www.stairsec.se)

In parallel with the development of StairSec®, Swedish Customs has:

- Integrated the co-operation with U.S. Customs and Border Protection on both strategic and operational level,
- Increased co-operation with other public services and bodies in order to exchange information and experiences regarding intelligence and analyses,
- Fine-tuned the systems for risk analysis and other operational work,
- Developed the level of technical equipment in order to identify and detect transports that may have been tampered with during transport,

In summary, the measures mentioned above have been undertaken primarily in order to:

- Create secure and efficient flows of goods for authorised operators,

- Separate secure flows of goods from other flows, i.e. the concept of authorised secure supply chains,
- Improve the selection of objects for control found to pose a high risk concerning all transports entering or leaving Swedish territory.

1.6 a)

Approximately 90% of all import declarations in Sweden are electronic and also the number of electronic export declarations is high. There are no limitations regarding the possibility to electronic declaration of import or export of firearms. Regarding the promotion of supply chain security Swedish Customs uses the Swedish StairSec® supply chain security model.

1.6 b)

In Sweden the supervision of persons and cargo is separated. The supervision of persons is the responsibility of the Police while Customs has the main responsibility of the supervision of goods. However, Customs is obliged to assist the Police upon request regarding the personal controls and, vice versa, the Police is obliged to assist Customs regarding the control of goods. The Swedish Coast Guard has the task of assisting Swedish Customs with the control of goods at sea and can also carry out personal controls of crew members. The respective authorities share intelligence and information on a regular basis and co-operation is quite extensive both on policy and operational level.

1.6 c)

In March 2001, Sweden implemented the Schengen Convention. This meant that the border control and border surveillance – concerning the control of persons - at the internal borders (towards the other Schengen Partners) was abolished. Since all of its neighbouring countries participate in the Schengen cooperation, Sweden today has no external land borders. However, international airports are still considered as external borders.

The Swedish Coast Guard has a full monitoring of the Swedish coastline and the open seas, based on radar surveillance. This is complemented by ships and aircrafts, patrolling the territorial waters and the open seas around the clock.

Sweden has an extensive cooperation with its neighbouring countries in the fight against cross-border crime. The Nordic countries have bilateral and multilateral agreements on police cooperation. All countries in the Baltic Sea Region take part in the Task Force on Organised Crime in the Baltic Sea Region, a multidisciplinary cooperation that has resulted in improved exchange of information and intelligence. These countries also participate in the Baltic Sea Region Border Control Cooperation Conference, which inter alia conducts joint operations in the area. Obviously, the European Union and the Schengen cooperation in the fields of border management and fight against cross-border crime (including terrorism) are of great importance to Sweden.

Concerning the control of goods, Swedish Customs has border control agreements with Norway, Denmark and Finland. According to these agreements mobile Customs teams are controlling the borders and the agreements include the prevention of cross-border terrorist activities involving the movements on goods. Meetings between the administrations are held on a regular basis and subgroups are established to address different types of threats.

1.6 d)

According to Swedish law, airlines - as well as other transporters- must upon request provide the Police or Swedish Customs with information on their passengers, such as name, co-passengers, travel itinerary, baggage, booking and payment. The Police and Customs may request this information for law enforcement purposes. The information is forwarded on a need to know basis, or at request from the authorities. The lists are used by Swedish Customs intelligence in order to support the selection process of objects for control.

1.6 e)

The Swedish Maritime Administration (SMA) has been appointed as focal point for maritime security as well as competent authority for maritime security in Sweden according to article 2 in the regulation (EC) No 725/2004 on enhancing ship and port facility security. This means, inter alia, that the SMA shall facilitate, follow up and inform on the application of the maritime security measures and coordinate, implement and monitor the application of the security measures in respect of ships and port facilities. The SMA is distinct from the police forces. Information from the secret police concerning terrorist threats are passed to inspectors at the SMA through certain channels built up

for this purpose. The information is then passed from SMA to a designated person at each shipping company.

Periodic security audits in port facilities shall be performed and access to port facilities shall be controlled in accordance with the annexes to the mentioned EC-regulation. Access to port facilities is restricted through different measures depending on, inter alia, the size, location, and mode of traffic of the port (facility). The measures can for example be guards, fences, walls or road barriers. Access to restricted areas can be controlled by monitoring cameras. The SMA approves a port facility security plan (PFSP) for each port facility. The PFSP states the specific measures the port facility concerned has to carry through. The PFSP also specifies the periodicity of the audits and access controls.

As a complement to this regulation, Sweden has adopted the Swedish Maritime Security Act to provide a possibility to body search all persons (including personnel) in a port facility. The Swedish Maritime Security Act also points out that unauthorized persons do not have access to the port facilities. The Swedish Sea Traffic Ordinance enables the local authorities to restrict the access to water areas adjacent to the port facility if the authority should find it necessary.

All personnel shall be provided with identity cards and have a liability to undergo the same control as the passengers. Detection devices to control passengers and their luggage, such as x-ray units and metal detectors, are used in many port facilities. If any dangerous items are found, the passenger has to hand them over.

Hazardous goods and materials are treated according to the International Maritime Dangerous Goods Code (the IMDG code). Dangerous goods are classified in different classes. The IMDG code stipulates the type of goods that are allowed to be transported on passenger ships and how the goods are to be stowed and secured. Supplementary details are found in the Transport of Dangerous Goods Act etc.

Responsible for airport security are the Swedish Civil Aviation Authority (*Luftfartsstyrelsen*) and the National Police Board (*Rikspolisstyrelsen*). They have well built up channels for quick and effective direct information exchange.

Sweden fulfils the requirements established in EC-regulation 2320/2002, which means that all passengers and goods transported with civil aviation are checked before take-off. The controllers at the airports can be subject to auditing by the responsible authorities as well by the

European Commission. Airport personnel and their luggage are screened and controlled when entering security areas at the airports. Authorized personnel also have special identity cards in order to prevent access by unauthorized persons to restricted areas. All hazardous materials are segregated and secured during the movement of cargo by air.

III Controls on preventing access to weapons by terrorists

1.7

Sweden has not yet formally accepted the WCO recommendation. However, most of the recommendations by the WCO are followed by Swedish Customs. For instance Swedish Customs is leading the Project Crossfire under the OPC (Operative Committee) under the umbrella of the multilateral cooperation between governments of the Baltic Sea Region. Crossfire is a long-term project in co-operation with, among other responsible authorities, Swedish Police, in order to increase the knowledge on the illicit weapons situation. Swedish Customs is also responsible for the co-ordination of the joint (EU) Customs Operation "Fireball" aimed at the illegal trafficking of firearms decided by the Council Customs Co-operation Working Party. Effort is also being made in order to obtain more efficient exchange of information between Swedish Customs and Police.

1.8

Firearms are subject to import and export restrictions and require importation permits. However, it is not required that the importer / exporter submits the documentation to Customs in advance - it is sufficient that the supporting documents, authorisations etc are presented to Customs when the goods are being declared. However, import and export of strategic weapons and dual-use goods have to be declared to Customs prior to their import or export. Special rules also apply to hunting weapons. Travellers from Denmark, Finland and Norway do not have to present an Importation Permit when bringing in firearms for hunting or competition purposes, provided they have an Arms Licence issued in their own countries and that the arms are brought in for a period not exceeding three months. The Arms Licence from their respective countries must however be presented to the Swedish Customs and an Arms Declaration duly filled in.

1.9

Swedish Customs has the power to control the authenticity of licences and other official documents whenever necessary.

1.10

Swedish Customs applies risk assessment and risk analyses for all types of procedures at import, export and transit.

The Weapons Act (Swedish code of statues 1996:67) regulates i.a possession of firearms, trade with firearms and transport of weapons and ammunition into Sweden. Licensing of firearms is subject to strict rules and a licence can be repealed. The police authorities keep a register on licences. Holders of licences for weapons are obliged to submit to controls on safe transport or storage. The police conduct such checks at least once a year for weapons dealers and regularly as regards shooting clubs. For transport in Sweden the weapons must be disassembled.

Discussions are underway to impose even stricter rules to prevent weapons reaching the illegal market.

Assistance and Guidance

2.2

As regards assistance to other States in connection with the implementation of the Resolution, Sweden has contributed a total amount of 400,000 Swedish kronor (SEK) to the IAEA fund for nuclear security.

Sweden will, during 2004-2005, contribute with up to 2,000,000 SEK to the Centre for Law Enforcement Co-operation (JCLEC) in Jakarta, Indonesia.

Sweden contributes with 12,000,000 SEK annually to basic training of Iraqi policemen in Amman, Jordan. This mission has a counter-terrorism dimension as regards counter terrorism activities in Iraq. The target is to train 32 000 Iraqi policemen 2004-2005.

In Afghanistan Sweden contributes 3,500,000 SEK annually to UNAMA, which co-ordinates efforts by the UN in Afghanistan. The policemen in UNAMA act as advisers to the special representative in

police and security issues and monitors projects with police components where organisations other than the UN have a lead role. Any counter-terrorism activities would be linked to the role of UNAMA as advisors and monitors.

Finally, in Kosovo, Swedish contributions amount to 39,600,000 SEK annually to UNMIK, and 2,200,000 SEK annually to OSCE. UNMIK supports the organising of a local police force in Kosovo. Until this is achieved, UNMIK has an executive mandate and acts as the police force in Kosovo. Thus, should the issue arise, UNMIK would be engaged in counter-terrorism activities. In addition, OSCE through OMIK is responsible for training of new police officers at Kosovo Police Service School. Given the context, counter-terrorism and efforts against organized crime, is part of the curricula.